



# UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE  
United States Patent and Trademark Office  
Address: COMMISSIONER FOR PATENTS  
P.O. Box 1450  
Alexandria, Virginia 22313-1450  
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/066,796	02/06/2002	Koichi Kamon	44084-506	4491

20277 7590 01/12/2006

MCDERMOTT WILL & EMERY LLP  
600 13TH STREET, N.W.  
WASHINGTON, DC 20005-3096

EXAMINER

SHAH, AMEE A

ART UNIT PAPER NUMBER

3625

DATE MAILED: 01/12/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b>	<b>Applicant(s)</b>	
	10/066,796	KAMON ET AL.	
	<b>Examiner</b>	<b>Art Unit</b>	
	Amee A. Shah	3625	

**-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --**

**Period for Reply**

**A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.**

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 12 September 2005.
- 2a) ☒ This action is **FINAL**.                      2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-8,10,11,13 and 15-19 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-8,10,11,13 and 15-19 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 06 February 2002 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All    b) ☐ Some \*    c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |                                                                                         |                                                                             |
|-----------------------------------------------------------------------------------------|-----------------------------------------------------------------------------|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)             | 4) <input type="checkbox"/> Interview Summary (PTO-413)                     |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)    | Paper No(s)/Mail Date. _____                                                |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date _____                                                             | 6) <input type="checkbox"/> Other: _____                                    |

### **DETAILED ACTION**

Claims 1-19 are pending in the application. Claims 1-8, 10, 11 and 13 are amended, claims 9, 12 and 14 are canceled, and claims 15-19 have been newly added. Therefore, claims 1-8, 10, 11, 13 and 15-19 are pending in this action.

#### ***Response to Amendment***

The Amendment filed September 21, 2005, regarding the claims 8, 10, 11 and 13 is accepted. In view of these amendments, the 35 U.S.C. §101 rejections regarding these claims are withdrawn. The Amendment filed September 21, 2005 regarding the specification is accepted. However, the Amendment did not rectify the uses of “etc.” and therefore the objection remains as to the use of etc. in line 3 of ¶0058 (Specification, page 12) and line 4 of ¶0158 (Specification, pages 39-40).

#### ***Response to Arguments***

Applicant's arguments with respect to claims 1-14 have been considered but are moot in view of the new ground(s) of rejection necessitated by the amendments.

#### ***Specification***

The disclosure is objected to because of the following informalities: (1) the uses of “etc.” (e.g., page 10, ¶0049, page 12, ¶0058, page 29, ¶¶0115-0116, page 40, ¶0158, and page 41, ¶0164, ) are confusing and unnecessary. Examiner suggests either removing the “etc.” or clarifying. Appropriate corrections are required.

***Examiner Notes***

Examiner cites particular columns and line numbers in the references as applied to the claims below for the convenience of the applicant. Although the specified citations are representative of the teachings in the art and are applied to the specific limitations within the individual claim, other passages and figures may apply as well. It is respectfully requested that, in preparing responses, the applicant fully consider the references in entirety as potentially teaching all or part of the claimed invention, as well as the context of the passage as taught by the prior art or disclosed by the examiner. .

***Claim Objections***

Claims 3 is objected to because of the following informalities: (1) line 5 of claim 3 claim should read -- image **of** the commercial product -- instead of "image the commercial product" (Remarks, page 4); Appropriate correction is required.

***Claim Rejections - 35 U.S.C. § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

**Claims 1-8, 10, 11, 13 and 15-19 are rejected under 35 U.S.C. 102(e) as being anticipated by Feld et al., U.S. Pat. App. Pub. No. 2001/0026272 A1 (hereinafter referred to as “Feld et al.”).**

Referring to claim 1. Feld et al. discloses An electronic catalogue system for displaying on one screen an image of a commercial product and an image of an article for comparison in order for a viewer of the one screen to acquire a visual recognition of the size of the commercial product as compared to the size of the article for comparison, comprising:

- reader for reading three-dimensional data of the commercial product and three-dimensional data of the article for comparison (page 3, ¶0035 and page 4, ¶¶0039-0040 – note the reader is the software, the commercial product is the clothing and the article for comparison is the model);
- observation image generator for generating an observation image in which the image of the commercial product and the image of the article for comparison are located at predetermined positions based on the read three-dimensional data of the commercial product and three-dimensional data of the article for comparison (page 4, ¶0040 and page 5, ¶0049 – note the image generator is the software); and
- displaying device for displaying the generated observation images, said displaying device including said one screen, wherein the image of the commercial product and the image of the article for comparison are displayed under a same scale on said one screen of the displaying device (Fig. 4 and page 3, ¶¶0036-0037, page 4, ¶0040 and page 5, ¶0049).

Referring to claim 2. Feld et al. also discloses the electronic catalogue system according to claim 1, further comprising:

- designator for designating a rotation axis and an angle of rotation (page 3, ¶0038 – note the designator is the mouse); and
- rotating device for rotating the observation image based on the designated rotation axis and the designated angle of rotation (page 3, ¶0038 – note the rotating device is the mouse working with the software)

Referring to claim 3. Feld et al. also discloses the electronic catalogue system according to claim 1, further comprising:

- designator for designating a rotation axis and an angle of rotation for each one of the commercial product and the article for comparison (page 3, ¶0038); and
- rotating device for rotating the image of the commercial product or the image of the article for comparison based on the designated rotation axis and the designated angle of rotation (Page 3, ¶0038).

Referring to claim 4. Feld et al. also discloses the electronic catalogue system according to claim 1, further comprising: dispose device for automatically selecting the article for comparison in accordance with a type and a size of the commercial product (page 6, ¶¶0056, 0061 and page 7, ¶¶0065-0067).

Referring to claim 5. Feld et al. also discloses the electronic catalogue system according to claim 1, further comprising:

- article for comparison storing device for storing three-dimensional data of a plurality of articles for comparison (page 5, ¶0047 – note the storing device is the model bank); and
- selector for selecting the three-dimensional data of one article for comparison from the article for comparison storing device, wherein the reader reads the three-dimensional data of the selected article for comparison (page 5, ¶0047 – note the selector is the mouse with the software).

Referring to claim 6. Feld et al. also discloses the electronic catalogue system according to claim 1, further comprising:

- product storing device for storing a product information regarding features of the commercial product (Fig. 3 and pages 3-4, ¶0039), said product information being associated with the three-dimensional data of the commercial product,
  - wherein the displaying device displays the observation image together with the product information which corresponds to the image of the commercial product which is included in the observation image (page 6, ¶0058 – note the product information is information relating to virtual wear articles).

Referring to claims 7 and 8. All of the limitations in apparatus claims 7 and 8 are closely parallel to the limitations of system claim 1, analyzed above and are rejected on the same bases.

Referring to claim 10. Feld et al. discloses a computer program product for a terminal apparatus used in an electronic catalogue system for displaying an image of a commercial product on a screen and an image of an article for comparison in order for a viewer of the screen to acquire a visual recognition of the size of the commercial product as compared to the size of the article for comparison, the computer program product comprising:

- a computer readable storage medium having a computer program stored thereon for causing the terminal apparatus to execute the operations of:
  - reading data for generating the image of the commercial product and data for generating the image of the article for comparison (page 3, ¶0035 and page 4, ¶¶0039-0040 –note the commercial product is the clothing and the article for comparison is the model),
  - generating an observation image in which the commercial product and the article for comparison are located at predetermined positions based on respective the read data, and changing a positional relationship between the commercial product and the article for comparison (page 4, ¶0040 and page 5, ¶0049); and
  - updating the observation image, wherein the image of the commercial product and the image of the article for comparison are displayed under a same scale on said screen (page 4, ¶0040 – note that updating the image is performed when displaying in real-time).

Referring to claim 11. All of the limitations in apparatus claim 11 are closely parallel to the limitations of system claim 4, analyzed above and are rejected on the same bases.

Referring to claim 13. All of the limitations in apparatus claim 13 are closely parallel to the limitations of system claim 1, analyzed above and are rejected on the same bases.

Referring to claims 15-19. Feld et al. also discloses the electronic catalogue system, server and program products according to claims 1, 7, 8, 10 and 13

- wherein a display magnification for the article for comparison is calculated based on the size of the article for comparison, and both the size and a display magnification of the displayed commercial product (page 3, ¶0038, and page 7, ¶¶0065-0067), and
- the article for comparison is displayed at a predetermined position within the observation image based on the calculated display magnification (page 7, ¶¶0065-0067).

### ***Conclusion***

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. (1) Fisher, U.S. Pat. No. 6,331,858 B2, discloses a system displaying in 3D, a scene, such as a room, incorporating a number of objects, such as furniture (*see, e.g.*, Figs. 3 and 5, and cols. 3-6). (2) Bourdelais, U.S. Pat. No. 6,727,925 B1, discloses a system for designing a room displaying a room perspective with furnishings (*see, e.g.*, Figs. 4-14 and cols. 5-19). (3) Eichel et al., U.S. Pat. App. No. 2002/0030689 A1, discloses a method, system and program to create a 3D storyboard of interior design surface treatments (*see, e.g.*, pages 6-10 and 25). (4) Carlin, U.S. Pat. App. Pub. No. 2002/0093538 A1, discloses a program that interactively selects furnishing or other objects, and receives and displays virtual-reality photorealistic images of rooms with such furnishings, and can also be used to reject claims 1-3, 7, 8, 10 and 13 (*see, e.g.*,

pages 6-10). (5) Futaki et al., JP 2000200188 A, discloses a program displaying in 3D various furniture inside a space (*see* Abstract). (6) Tanaka et al., JP 2000339355 A, discloses a program displaying clothes onto a model (*see* Abstract). (7) Webster, Fiona, "Changing Rooms? Turn To The Net For Everything From Builders To Curtains. And You Can Even Check Out Your Plans For Feng Shui..." Daily Mail, London, UK, Nov. 21, 2000, pg. 57, discloses a program to view in 3D furniture and fittings in a virtual home.

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the date of this final action.


Any inquiry concerning this communication or earlier communications from the examiner should be directed to Amee A. Shah whose telephone number is 571-272-8116. The examiner can normally be reached on Mon.-Fri. 7:00 am - 3:30 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Wynn W. Coggins can be reached on 571-272-7159. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

AAS

January 9, 2006

  
Y. C. Garh  
Primary Ex.